

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UPPER MISSOURI WATERKEEPER,

Plaintiff,

vs.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY and GINA McCARTHY,  
Administrator, United States  
Environmental Protection Agency,

Defendants.

and

STATE OF MONTANA,  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY,  
TREASURE STATE RESOURCES  
ASSOCIATION OF MONTANA,  
MONTANA LEAGUE OF CITIES  
AND TOWNS, and NATIONAL  
ASSOCIATION OF CLEAN WATER  
AGENCIES,

Intervenor-Defendants.

CV-16-52-GF-BMM

**ORDER**

A preliminary pretrial conference was held on October 31, 2016, at the Missouri River Courthouse in Great Falls, Montana. Plaintiff was represented by Janette K. Brimmer, Esq., Katherine K. O'Brien, Esq. and Stephanie K. Tsosie, Esq. Defendants were represented by Daniel W. Pinkston, Esq. Intervenor-Defendant

State of Montana Department of Environmental Quality was represented by Kurt R. Moser, Esq. Intervenor-Defendant Treasure State Resources Association of Montana was represented by Mark L. Stermitz, Esq. Intervenor-Defendant Montana League of Cities and Towns was represented by Catherine A. Laughner, Esq. Intervenor-Defendant National Association of Clean Water Agencies was represented by Murray Warhank, Esq., Jill M. Fortney, Esq. and Paul M. Drucker, Esq.

IT IS HEREBY ORDERED that the following schedule will govern all further proceedings in this matter:

1. Defendants shall compile and lodge with the Court two (indexed and searchable) copies of the administrative record on CD-ROMs on or before December 2, 2016. A complete and accurate copy of the CDs shall be served on counsel for the Plaintiff and the Intervenor-Defendants on or before December 2, 2016.
2. Motions to supplement the administrative record shall be filed on or before December 13, 2016.
3. Motions contesting the adequacy of the administrative record shall be filed on or before December 13, 2016.
4. Motions to amend the pleadings shall be filed on or before December 13, 2016.

5. Plaintiff shall file a motion for summary judgment (with supporting brief) on or before December 21, 2016. Plaintiff's brief shall be limited to 12,000 words.

6. Defendants' shall file a response brief or a cross-motion for summary judgment (with supporting brief) on or before February 24, 2017. Defendants' brief shall be limited to 12,000 words.

7. Intervenor-Defendant State of Montana Department of Environmental Quality (State of Montana) may file a response brief or a cross-motion for summary judgment (with supporting brief) on or before March 24, 2017. The State of Montana's brief shall be limited to 7,500 words.

8. Intervenor-Defendants Treasure State Resource Association of Montana (Treasure State), Montana League of Cities and Towns (League of Cities), and National Association of Clean Water Agencies (NACWA) may each file a response brief or a cross-motion for summary judgment (with supporting brief) on or before April 10, 2017. The briefs filed by Treasure State, League of Cities, and NACWA shall be limited to 3,500 words.

9. Plaintiffs shall file a combined reply brief and response to any cross-motions for summary judgment on or before May 12, 2017. Plaintiff's brief shall be limited to 12,000 words.

10. Defendants and the Intervenor-Defendants shall file their reply briefs on or before June 16, 2017. The Defendants' reply brief shall be limited to 7,000 words. The State of Montana's reply brief shall be limited to 4000 words. The replies briefs of Treasure State, League of Cities, and NACWA shall be limited to 2000 words.

DATED this 7th day of November, 2016.



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Brian Morris  
United States District Court Judge